

# PLANNING COMMISSION REPORT



MEETING DATE: March 8, 2006

ITEM NO. \_\_\_\_\_ GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Smallwood Abandonment - 19-AB-2005**

## REQUEST

Request:

1. To abandon the 20-foot wide half street right-of-way for N. 122nd Street.
2. To abandon the 40-foot wide right-of-way including the cul-de-sac and temporary turn around for E. Pinnacle Vista Drive.

### Key Items for Consideration:

- The portion of N. 122nd Street being abandoned is adjacent to the McDowell Sonoran Preserve and is not necessary to provide access to other properties in the area or the Preserve to the east.
- The portion of E. Pinnacle Vista Drive being abandoned also touches the Preserve at the eastern side and due to the size of the lots will continue to maintain access to adjoining private lots.
- No GLO easements are affected by this abandonment request.
- No public objection has been received on this case.
- Public utility companies have been notified and support the request.
- The abandonment area will be retained as a sewer and water line easement.

### Related Policies, References:

- Case 15-LD-2004 approved the larger 3-lot, 20-acre Aperion 20 land division and dedicated N. 122<sup>nd</sup> Street and E. Pinnacle Vista Drive half street right-of-ways in 2004.
- Case 35-LD-2005 is the original land division of the subject site that was withdrawn based on an agreement between the City and the applicant regarding the dedication and abandonment of streets.
- Case 35-LD-2005#2 is a pending approval of the land division of the eastern 10+/- acre Lot 3 of Aperion 20, proposing three, 3-acre lots and the abandonment of the portion of E. Pinnacle Vista Drive and N. 122<sup>nd</sup> Street.

## OWNER

Trent & Robin Smallwood  
480-894-8101

## APPLICANT CONTACT

Robert Gulino  
RJ Gulino Inc.  
480-990-7550



LOCATION	12100 E. Pinnacle Vista Drive, which is located about 1 mile south of Dynamite Boulevard, near the N. 122nd Street alignment.
BACKGROUND	<p><b>Background</b></p> <p>The subject 20 foot wide half street portion of N. 122<sup>nd</sup> Street and 40 foot wide portion of Pinnacle Vista Drive including cul-de-sac and temporary turn around were dedicated with the Aperion 20 land division by MCR Book 682, Page 35 in 2005, and the Bell Credo land division by MCR Book 679, Page 7 in 2003. The portions of right-of-way proposed for abandonment are not required for through streets because of the location of the McDowell Sonoran Preserve to the east. Due to the relatively large size of the abutting lots, all adjoining properties will continue to have access following abandonment, based on the pattern of the reconfigured streets. This request is based on an agreement between the City and the applicant for the withdrawal of an appeal to the Hearing Officer originating from a previous land division of the adjoining lot and required dedications of streets. The resulting application is to the satisfaction of the applicant and city staff.</p> <p><b>Zoning.</b></p> <p>The site is zoned R1-130 ESL (Single-family Residential District subject to the Environmentally Sensitive Lands Ordinance). The R1-130 zoning district allows for single-family residences and associated uses on parcels of 130,000 square feet or larger. The Environmentally Sensitive Lands Ordinance provides guidelines for development within native desert areas and specifies that portions of lands be maintained as Natural Area Open Space.</p> <p><b>Context.</b></p> <p>This subject site is located at the intersection of N. 122nd Street at E. Pinnacle Vista Drive, which is one mile south of Dynamite Boulevard at N. 122<sup>nd</sup> Street.</p> <p>Adjacent Uses and Zoning:</p> <ul style="list-style-type: none"><li>• <b>North</b> Hedge Hog Place and 3-acre Baldo residential land division Lots 1 and 2 with R1-130 ESL District zoning</li><li>• <b>South</b> E. Pinnacle Vista Drive and unplatted, 3 acre Bell Credo Lots 1 and 2 residential properties with R1-130 ESL District zoning</li><li>• <b>East</b> N. 122nd Street alignment which has been abandoned on the Preserve side and the McDowell Sonoran Preserve with R1-130 ESL District zoning</li><li>• <b>West</b> Three (3) acre Aperion 20 Lots 1 and 2 residential lots situated north of E. Pinnacle Vista Drive and east of N. 120<sup>th</sup> Street with R1-130 ESL District zoning</li></ul> <p><b>Goal/Purpose of Request.</b></p> <p>The purpose of the request is for approval to abandon the western 20-foot half street right-of-way of N. 122<sup>nd</sup> Street between Hedge Hog Place and E. Pinnacle Vista Drive, and the eastern 40-foot wide portion including the cul-de-sac and turnaround of E. Pinnacle Vista Drive. The portion of N. 122<sup>nd</sup> Street right-of-way was dedicated as part of the Aperion 20, 3 lot, 20-acre, land division (15-LD-2004) in 2004. The portion of E. Pinnacle Vista Drive including cul-de-sac and turnaround was dedicated in part by the Aperion 20</p>
APPLICANT'S PROPOSAL	

land division on the north and the Bell Credo land division to the south. The lands east of E. 122<sup>nd</sup> street are within the Preserve and the eastern half of N. 122<sup>nd</sup> Street was previously abandoned. The request is to abandon the unnecessary portion of N. 122<sup>nd</sup> Street and locate the E. Pinnacle Vista Drive right-of-way and cul-de-sac westward to a location, which will provide access to adjoining lots. Because of the Preserve, the adjoining N. 122<sup>nd</sup> Street is unnecessary to provide access and E. Pinnacle Vista Drive is not designed as a through street toward the east. No properties will be denied access as a result of the abandonment.

- Abandonment of the 20 by 660 foot (13,200 square feet or 0.34 acre) portion of N.122nd Street adjacent to the subject site.
- Abandonment of the 40 by 224 foot (8,960 square feet or 0.22 acre) portion of E. Pinnacle Vista Drive.
- Dedication of a new 45-foot radius cul-de-sac at the east terminus of Pinnacle Vista Drive.
- Dedication of 4-foot wide portion (24 foot wide total) on Hedge Hog Place.
- Dedication of 24-foot wide portion of N. 121<sup>st</sup> Street extending from E. Pinnacle Vista Drive on the south, northward to Hedge Hog Place.

## IMPACT ANALYSIS

### **City Impact:**

The City Transportation, and Preservation and Historic Resources Departments support the abandonment. No access is required to the Preserve and no future Trailheads are located in this area. The Transportation Department support is contingent upon the dedications of right-of-way for Hedge Hog Place and N. 121<sup>st</sup> Street. These dedications conform to the local access requirements and to the City Streets Master Plan. The Water Resources Department will obtain a 30-foot wide water and sewer line easement along the abandoned portion of N. 122<sup>nd</sup> Street and a 20-foot wide water and sewer line easement along the abandoned portion of E. Pinnacle Vista Drive.

### **Neighborhood Impact:**

Street access will be provided to all properties in the area. The abandonment and associated dedication of the E. Pinnacle Vista Drive cul-de-sac and portions of N. 121<sup>st</sup> Street and Hedge Hog Place right-of-ways; will assist in implementing an agreement between the land owner and City in conjunction with the pending land division of the adjoining 10 acre property to the north.

### **Property Owner Impact:**

The abandonment of the portion of N. 122<sup>nd</sup> Street and E. Pinnacle Vista Drive will integrate with the lot owners land division of the adjoining property and lead to the dedication of required road right-of-ways including a revised cul-de-sac located at the end of N. Pinnacle Vista Drive and dedication of additional right-of-way for N. 121<sup>st</sup> Street and Hedge Hog Place. The abandoned right-of-way will be incorporated into the applicant's property, as well as the southern half-street portion of E. Pinnacle Vista Drive into the property to the south.

**Community Impact.**

Abandoning the subject right-of-way is consistent with the overall access and circulation plan established for this area. No properties will be denied access as a result of this abandonment.

**Departmental Responses.**

City Departments concur with this abandonment request. See Department Issues Checklist. (Attachment #1)

**Open Space, Scenic Corridors and Public Trails:**

NAOS will be provided on each lot at the time of lot development. No scenic corridors or trail easements are located within the subject area and are therefore not affected by this abandonment. (See Attachment #6-Area Trails Map)

**Policy Implications.**

N. 122nd Street contains an existing half-street right-of-way width of 20 feet; which was dedicated with the Aperion 20 land division. The eastern portion of the half street was previously abandoned as part of the Preserve. No access is required to either the preserve or the adjoining properties from this portion of roadway and no adverse impacts are apparent as a result of this abandonment. Similarly, the eastern terminus of E. Pinnacle Vista Drive where it currently abuts the Preserve will be shortened toward the west while still maintaining access to area properties. An agreement has been reached between the landowner and the City to resolve issues associated with the adjacent land division requirement for right-of-way dedications and abandonment of unnecessary portions or right-of-ways, resulting in this request.

**Community Involvement.**

The applicant has sent letters of notification for the proposed abandonment to 13 landowners within 750 feet of the site on September 17, 2005. No objections or comments have been received on this case.

STAFF  
RECOMMENDATION

RESPONSIBLE  
DEPT(S)  
STAFF CONTACT(S)


**Recommended Approach:**

Staff recommends approval.

**Planning and Development Services Department**

Al Ward, AICP  
Senior Planner  
480-312-7067  
E-mail: award@ScottsdaleAZ.gov

**APPROVED BY**

  
\_\_\_\_\_  
Al Ward, AICP  
Report Author

  
\_\_\_\_\_  
Lusia Galav, AICP  
Current Planning Director

**ATTACHMENTS**

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Zoning Map
5. Right of Way and Easements
6. Area Trails Plan
7. City Notification Map

# **CASE 19-AB-2005**

## **Department Issues Checklist**

### **Transportation**

☒ **Support**

Subject to the dedication of a revised, 45-foot radius cul-de-sac at the eastern terminus of E. Pinnacle Vista Drive and half street dedication of the portions of Hedge Hog Place and 121<sup>st</sup> Street.

### **Trails**

☒ **Support**

No trails are identified in this area on the Trails Master Plan. No Trailhead is proposed in this area for access to the McDowell Sonoran Preserve, which is situated east of N. 122<sup>nd</sup> Street.

### **Adjacent Property Owner Notification**

☒ **Support**

Letters of notification of the abandonment were sent to 13 landowners within 750 feet of the site and no objections or comments have been received.

### **Public Utilities**

☒ **Support**

Letters of support and no objection regarding the abandonment have been received from APS, Qwest, Cox and Southwest Gas.

### **Emergency/Municipal Services**

☒ **Support**

No objection has been expressed by the Fire Department, which will have adequate access to adjoining properties from the remaining dedicated streets being Hedge Hog Place, 121<sup>st</sup> Street and E. Pinnacle Vista Drive and subject to dedication of a 45-foot radius cul-de-sac at the east terminus to E. Pinnacle Vista Drive.

### **Water/Sewer Services**

☒ **Support**

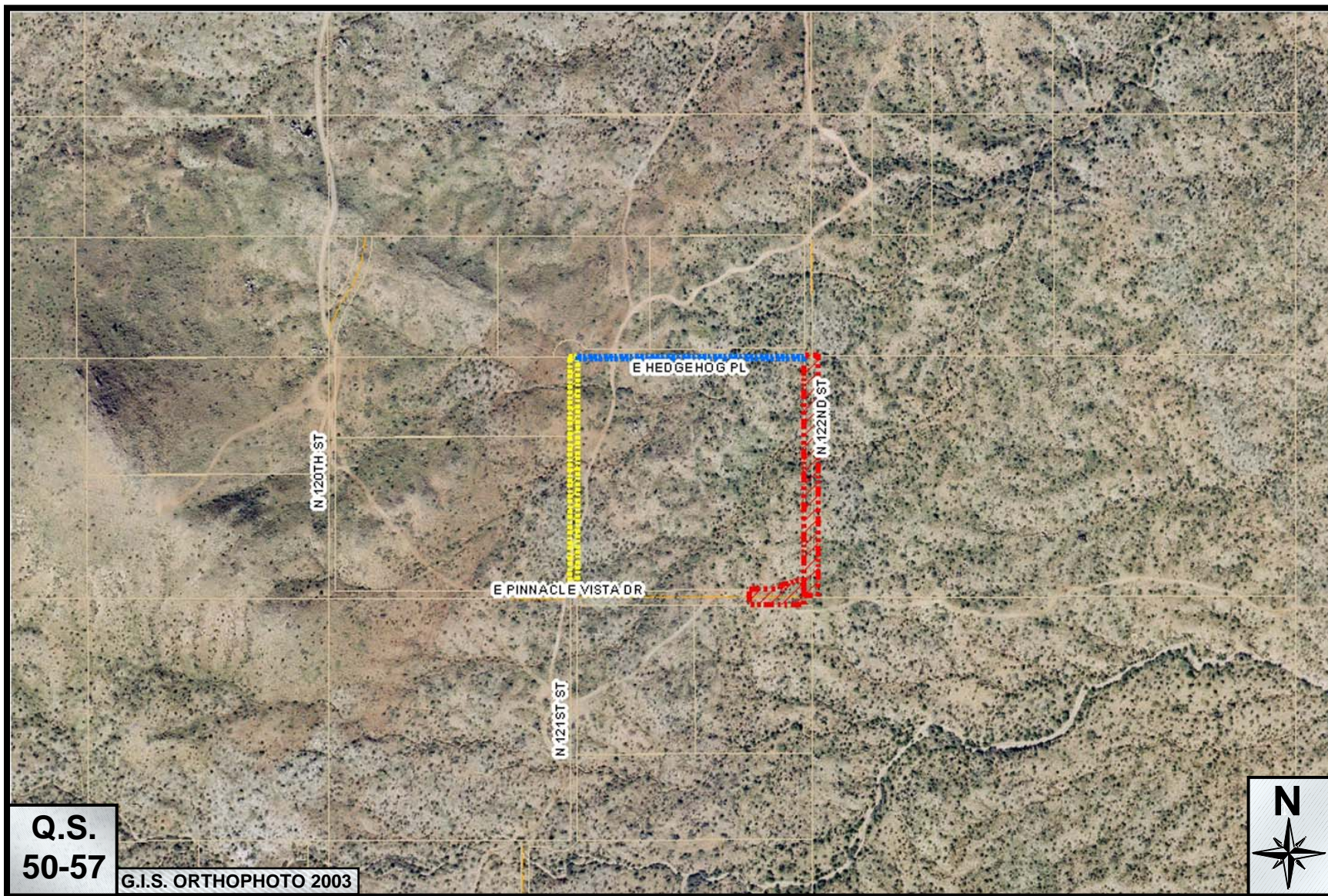
Water Resources Department supports the abandonment subject to the provision of a 30-foot wide water and sewer easement along the abandoned portion of N. 122<sup>nd</sup> Street and a 20-foot wide water and sewer easement along the abandoned portion of E. Pinnacle Vista Drive.

Drainage




☒ **Support.**

No drainage issues are associated with this abandonment.





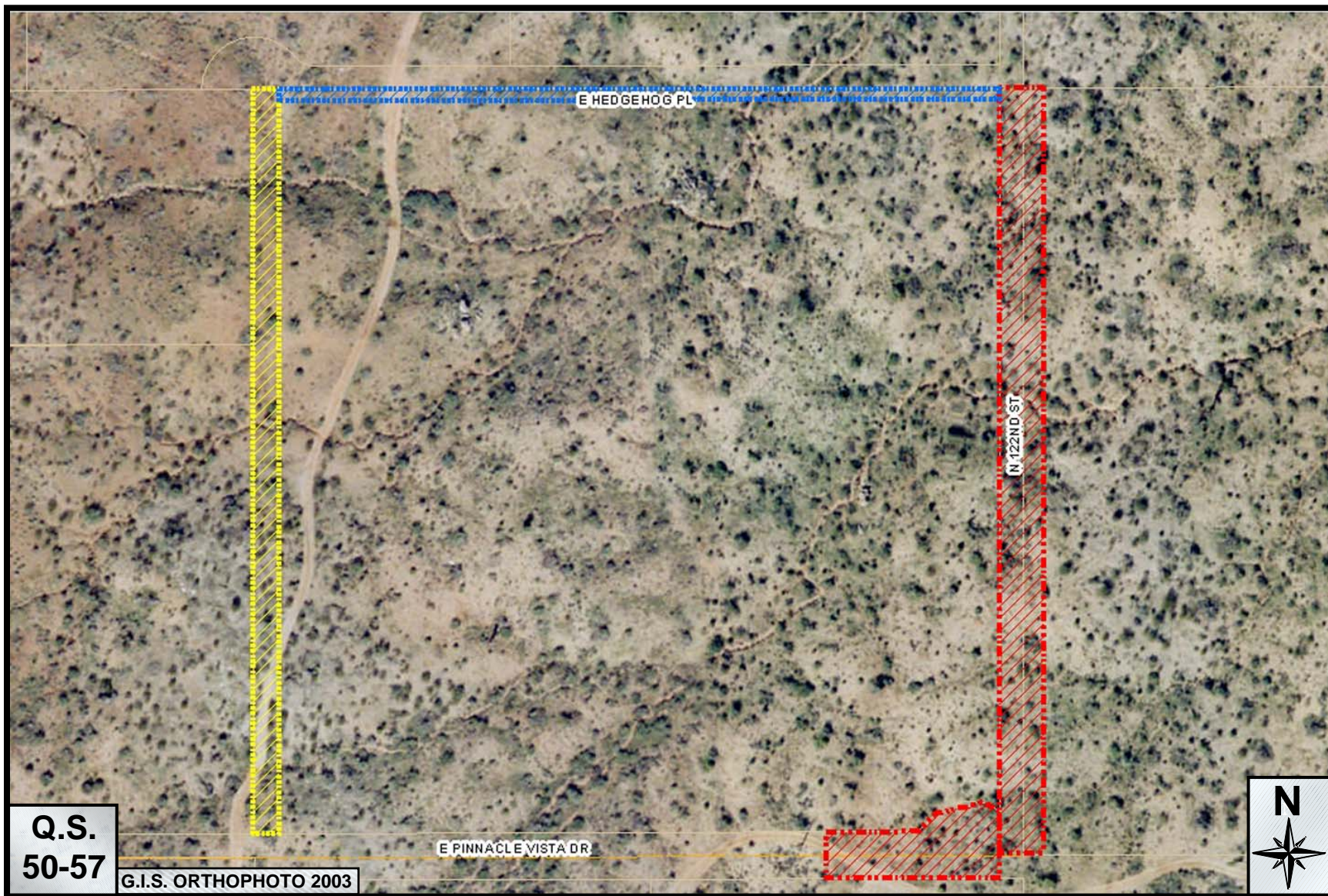
# Smallwood Abandonment

- Legend**
-  4' to be Dedicated
  -  24' to be Dedicated
  -  ROW to be Abandoned




**19-AB-2005**

**ATTACHMENT #2**





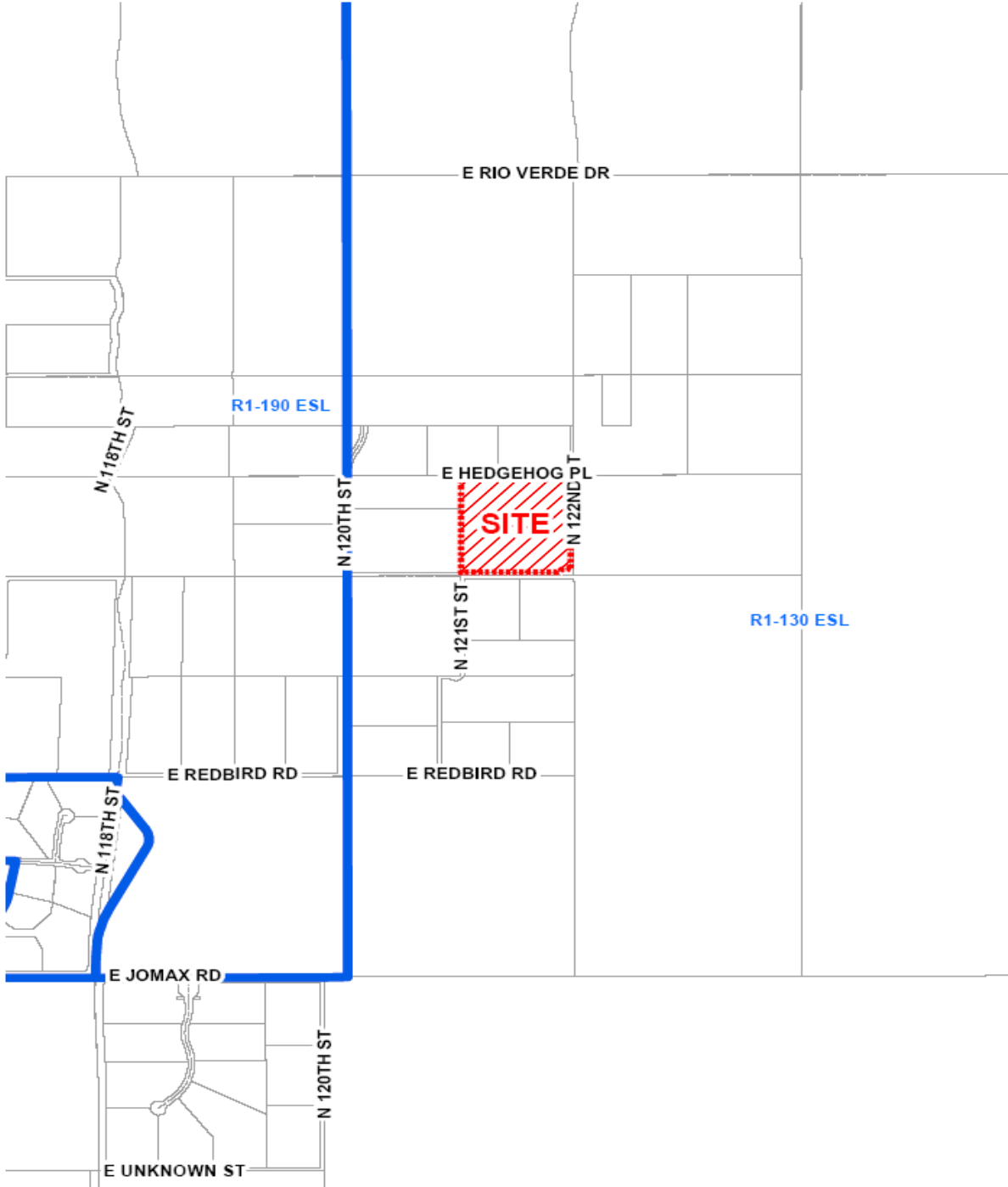
# Smallwood Abandonment

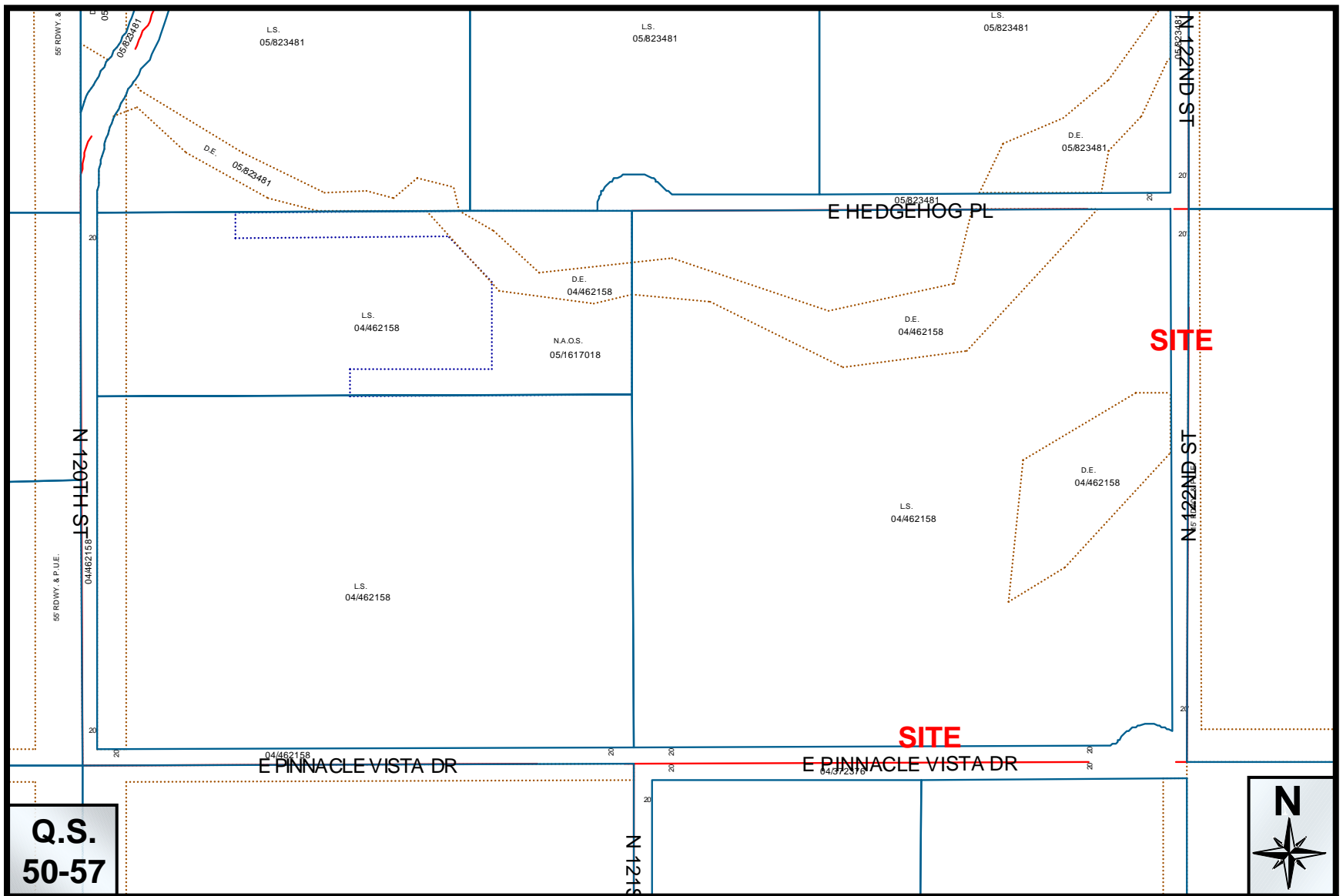
- Legend**
-  4' to be Dedicated
  -  24' to be Dedicated
  -  ROW to be Abandoned

**19-AB-2005**

**ATTACHMENT #3**

**Zoning Map**





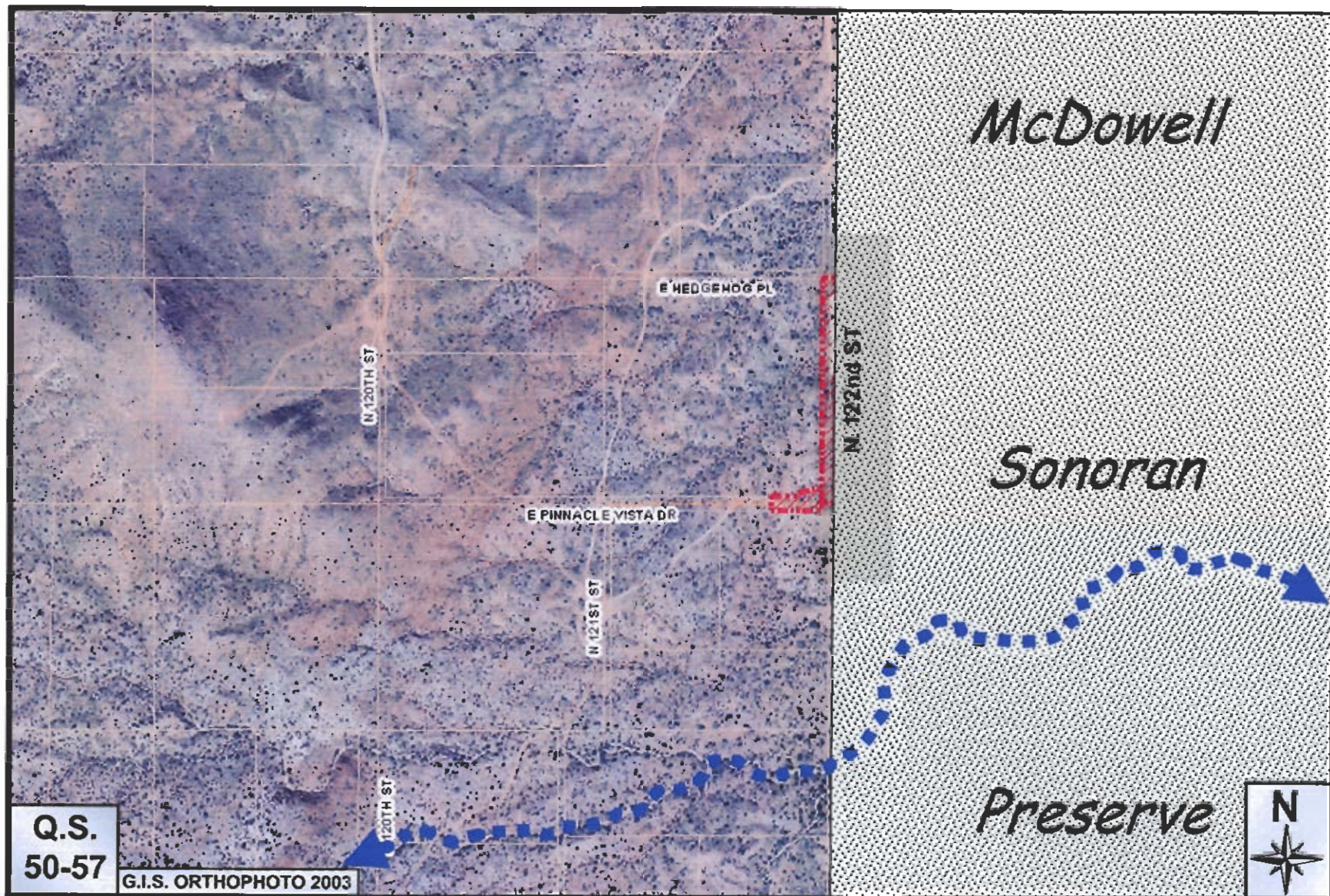
# Smallwood Abandonment

**LEGEND**  
 Easements  
 Parcel Line  
 Street

## 19-AB-2005


Easements & Right-of-Way  
Attachment #5





Smallwood Abandonment

Legend

 ROW to be Abandoned

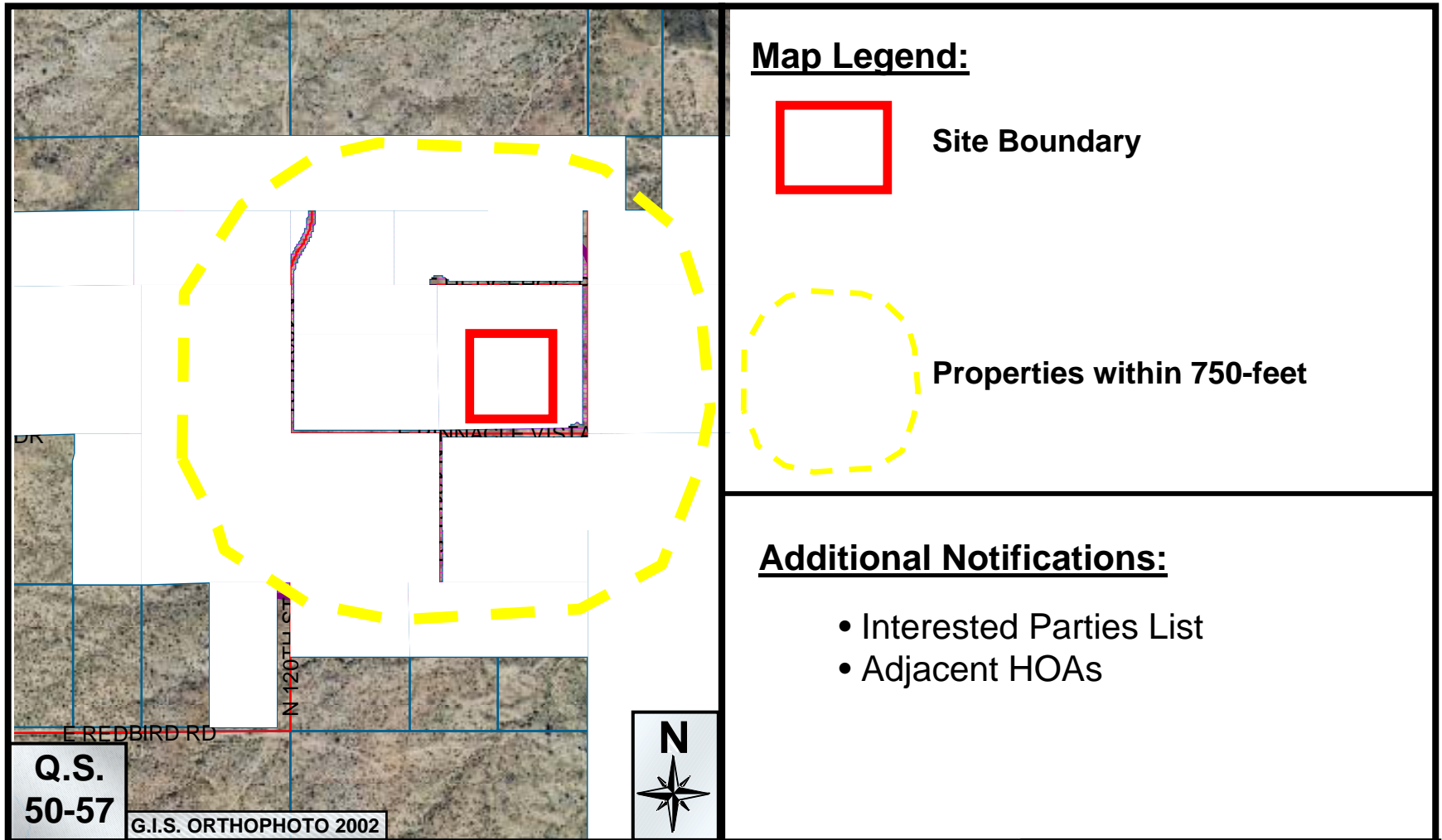
 Master Planned Trails

**19-AB-2005**

ATTACHMENT #6



# City Notifications – Mailing List Selection Map



Smallwood Abandonment

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ATTACHMENT #7